



PHSDSBC

Public Health and Social Development
Sectoral Bargaining Council

Issue 1: April - June 2020

Welcome to the first edition of the newsletter.

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FEATURE ARTICLE

COVID 19 - EFFECT ON HEALTH AND SAFETY SECTORS AND LABOUR RELATIONS



Covid 19 doesn't discriminate. Gender, race and the usual demographics known for wielding force during labour disputes have all been silenced by a microscopic virus, unknown to us less than a year ago.

It has also massively enhanced compliance with South African labour laws and put a microscope on the implementation of health and safety in the workplace like never before.

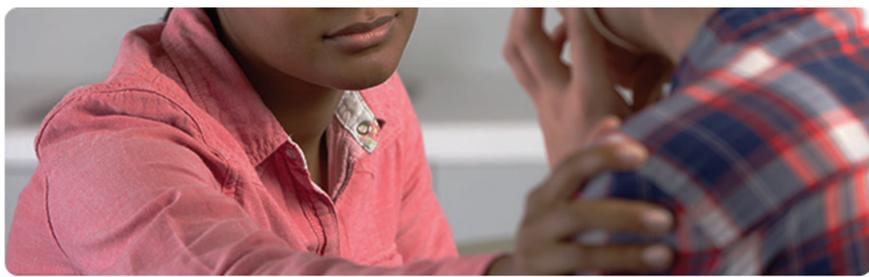
For the last couple of months, major corporates, government organisations, and even the lady selling atchar on the corner, have been forced to catch up and familiarise themselves with legislation due to Covid 19. Labour law concerns on requirements for working from home, sick leave benefits and alternative working arrangements have been pushed to the fore, taking precedence over gender equality and migrate worker rights.

The World Health Organisation's recommendations (WHO) is generally considered as the guidelines to adapt South African legislation to. As such, the rules and regulations of the Occupational Health and Safety Act 85 of 1993 state that an employer must ensure that a working environment is safe.

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WELLNESS IN THE WORKPLACE

MANAGING MENTAL HEALTH FOR HEALTH WORKERS DURING COVID 19



On 1 April, the Minister of Health, Dr Zweli Mkhize warned South Africans that we were in "the calm before the devastating storm", and that there might not be many further warnings "before the pounding descends".

The National Institute of Communicable Disease and healthcare workers have been in a state of preparation and heightened anticipation for many weeks. An advantage of being "behind the curve" in our trajectory, compared to many other countries, is that we can learn from their experiences and research.

An overview of that experience suggests that mental health impacts on healthcare workers in phases. These will include but not are limited to:

1. The current rising statistics: characterised by the fear of the unknown (anxiety);
2. The active phase: heroics and a search for solutions, followed by a high-risk time of disillusionment and exhaustion; and
3. The recovery phase: recovery and the emergence of long-term psychological impact.

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COMMISSIONER'S CORNER



Do parties refer a dispute, causes of action or claims that may arise from the dispute to the Council for conciliation?

Resident Panellist: Adv James Ngoako Matshekgga

Qualifications

LLB (Cum Laude) (University of Limpopo)

LLM (University of Pretoria)

Advocate of the High Court of South Africa

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DISPUTE RESOLUTION



Settlement agreements must always be worth more than the paper they are written on

By Adv James Ngoako Matshekgga

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DID YOU KNOW?



There is no legal requirement in South Africa to have a written employment contract. A verbal contract is in order provided that the parties have agreed to contract essentials such as:

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EMPLOYER EMPLOYEE RELATIONS



Let's face some facts about employer and employee relations.

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GET TO KNOW OUR COUNCIL MEMBER

In this issue we feature the Chairperson of the Council

COUNCIL MEMBER: MR MAHMOOD HOUSEN FADAL



EDUCATION

Ruskin College, Oxford – Industrial Relations

Rutgers University, New Jersey – Collective Bargaining

Cornell University, New York State – Arbitration

Potchefstroom University – Advanced Mediation and Arbitration

SA Board for People Practices – Human Resource Management Diploma

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SOME FUN



Do you have what it takes to finish the crossword puzzle?

Download, print and enjoy!

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COLLECTIVE BARGAINING

COLLECTIVE AGREEMENT CONCLUDED IN 2020



Section 23 to 26 of the Labour Relations Act (LRA) of 1995, addresses collective agreement related matters. Further, section 213 of the LRA defines a collective agreement as follows: "A written agreement concerning terms and conditions of employment or any other matter of mutual interest concluded by one or more registered trade unions, on the one hand, and on the other hand one or more employees, one or more registered employers' organisations, or one or more employers and one or more registered employers' organisations."

The objective of the Council, is amongst others, to promote negotiation and collective bargaining to conclude collective agreements on matters of mutual interest to the employer and employees falling within the scope of the Council.

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